

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Benjamin Lewis Anderson,	)	Civil Action No.: 6:15-cv-1361
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>ORDER AND OPINION</u></b>
	)	
Davita Upstate Dialysis Center,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Benjamin Lewis Anderson ("Plaintiff"), proceeding *pro se*, brought this action against Defendant Davita Upstate Dialysis Center ("Defendant"). (ECF No. 1.) The matter is before the Court on the Report and Recommendation of the United States Magistrate Judge recommending that this action be summarily dismissed without prejudice and without service of process. (ECF No. 13.) The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

**STANDARD OF REVIEW**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court reviews the Report and Recommendation only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a

district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.") (citation omitted). "[W]hen a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations," *de novo* review is unnecessary. *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982) (citations omitted); *see also Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 316 (4th Cir.2005).

### **ANALYSIS**

The Magistrate Judge filed the Report and Recommendation on March 26, 2015, recommending that Plaintiff's claims be summarily dismissed for failure to state a claim. (ECF No. 13.) Plaintiff timely filed objections on April 7, 2015 and the Court has carefully considered them *de novo*. (ECF No. 15 & 19.) In his objections, Plaintiff reiterates that his complaint against Defendant alleges conspiratorial race-based discrimination in violation of 42 U.S.C. § 1985(3), but fails to make any specific objections to the Magistrate Judge's Report and Recommendation or analysis of his claims. Upon review of Plaintiff's objections, the Court concludes that the objections provide no basis for this Court to deviate from the Magistrate Judge's recommended disposition.

### **CONCLUSION**

After a thorough review of the record in this case and the Report and Recommendation of the Magistrate Judge pursuant to the standard set forth above, the Court adopts and incorporates the Report and Recommendation herein by reference. For the reasons set forth in the Magistrate Judge's recommendation and for the reasons set forth above, It is therefore ORDERED that Plaintiff's complaint be dismissed, without prejudice and without service of process.

IT IS SO ORDERED.

/s/Mary G. Lewis  
United States District Judge

May 28, 2015  
Columbia, South Carolina

\*\*\*\*\*

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.